

**THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.613 OF 2005**

**The Vithalnagar Co-operative Housing Society
Ltd. and anr.**

: Petitioners.

Versus

**The Deputy Registrar of Co-op.
Societies, K/West Ward, Mumbai & ors.**

: Respondents.

Mr. Viral Amin i/by B Amin & Co. for the Petitioners.

Ms. S D Rayrikar AGP for the Respondent Nos.1 and 2.

Mr. K J Hakani for the Respondent Nos.3A to 3E and 4.

Mr. Siddhant P Valida – Respondent No.3E present.

Mr. Prashant Valia – Respondent No.3B/4 present.

CORAM : R. M. SAVANT, J.

DATE : 2nd May 2016

P.C.

1 The learned counsel for the parties i.e. Shri Viral Amin appearing for the Petitioners and Shri K J Hakani appearing for the Respondent Nos.3A to 3E and 4, who are the main contesting parties tender Consent Terms dated 02/05/2016 between the said parties. The said Consent Terms evidence the settlement arrived at between the said parties. The Consent Terms have been signed by the Petitioners and on behalf of the Petitioner No.1 by the Honorary Secretary Shri J Lakhani. The Consent Terms are also signed by the Respondent Nos.3A to 3E and 4 as also by the learned counsel for the respective parties i.e. Shri Viral Amin i/by B Amin & Co. on behalf of the Petitioners and Shri Hakani on behalf of the Respondent Nos.3A to 3E and 4. The learned counsel for the parties prayed that the above Petition be disposed of in terms of the said Consent Terms.

2 On behalf of the Petitioner No.1 the Secretary Shri J Lakhani is personally present in Court and when put in witness box and queried he states that the said Consent Terms are acceptable to the Petitioner No.1 Society and that he has been authorized to sign the said Consent Terms by the Society and that he has done so of his own free will and volition. A resolution dated 29/09/2015 of the Society authorizing the Society Shri J Lakhani is placed on record by annexing it to the Consent Terms.

3 On behalf of the Respondents, Respondent No.3B Shri Prashant H Valia is personally present in Court and when put in witness box and queried he states that the said Consent Terms are acceptable to the Respondent Nos.3A to 3E and 4 and that he has signed the Consent Terms of his own free will and volition. The same is repeated by the Respondent No.3E Shri Siddhant P Valia.

4 The said Consent Terms are taken on record and marked as "X" for identification. In terms of Clause 8 of the Consent Terms, the above Petition stands withdrawn as against the Respondent Nos.1, 2 and 5. The above Petition is disposed of in terms of the said Consent Terms.

[R.M.SAVANT, J]